

ORIGINAL

VOLUME: I  
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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 1:10-CV-10601-DJC

NINA SHERVIN, M.D., )  
Plaintiff, )  
)  
v. )  
)  
PARTNERS HEALTHCARE SYSTEM, )  
INC.; THE PRESIDENT AND )  
FELLOWS OF HARVARD COLLEGE )  
(HARVARD MEDICAL SCHOOL); )  
MASSACHUSETTS GENERAL HOSPITAL )  
PHYSICIANS ORGANIZATION; )  
JAMES H. HERNDON, M.D.; AND )  
HARRY E. RUBASH, M.D., )  
Defendants. )

DEPOSITION OF NINA SHERVIN, M.D., a  
witness called on behalf of the Defendants  
Partners Healthcare System, Inc., and  
Massachusetts General Hospital Physicians  
Organization, pursuant to the applicable  
provisions of the Massachusetts Rules of Civil  
Procedure, before Margaret G. Oliver, Notary  
Public in and for the Commonwealth of  
Massachusetts, at the offices of Holtz & Reed,  
LLP, 225 Friend Street, Suite 201, Boston,  
Massachusetts, on Friday, April 27, 2012,  
commencing at 10:20 a.m.

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1 hard under conditions that nobody should have to  
2 work under, conditions that no woman or man should  
3 be exposed to. And I thought I had done a really  
4 good job.

5 Dr. Kasser then continued to say that I  
6 could still be fired, that I'm going to be  
7 watched, that he is going to -- that they are --  
8 the Executive Committee is going to continue to  
9 probe at residents to find any fault with me,  
10 evaluate me by residents and attendings. And that  
11 was the gist of that meeting, which was not  
12 positive. It didn't make me feel real good.

13 Dr. Kasser also told me that me  
14 challenging probation, the institution of  
15 probation and the continuation and extension of  
16 probation put me at risk for me being able to sit  
17 for my oral boards. I didn't understand what that  
18 meant at the time. I didn't understand the peer  
19 review process, and I didn't understand what that  
20 meant. But it was a threat. I understood that.  
21 And I understand it now.

22 So coming off probation, I would think  
23 that my life would be better, but it wasn't. The  
24 retaliatory atmosphere continued. Residents were

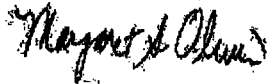
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C E R T I F I C A T E  
COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, SS.

I, Margaret G. Oliver, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that NINA SHERVIN, M.D., the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am neither related to or employed by any of the parties hereto or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand and seal this 9th day of May 2012.



Margaret G. Oliver

Notary Public

My commission expires: May 18, 2018

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 Civil Action No. 1:10-cv-10601-DJC

4 - - - - -x

5 NINA SHERVIN, M.D.,

6 Plaintiff,

7 v.

8 PARTNERS HEALTHCARE SYSTEM, INC., THE PRESIDENT

9 AND FELLOWS OF HARVARD COLLEGE (THE HARVARD

10 MEDICAL SCHOOL), MASSACHUSETTS GENERAL

11 PHYSICIANS ORGANIZATION, INC., JAMES H. HERNDON,

12 M.D., AND HARRY E. RUBASH, M.D.,

13 Defendants.

14 - - - - -x

15 CONTINUED DEPOSITION OF NINA SHERVIN, M.D.,

16 a witness called by and on behalf of the

17 Defendants, taken pursuant to the Federal Rules

18 of Civil Procedure, before Daria L. Romano, RPR,

19 CRR and Notary Public in and for the

20 Commonwealth of Massachusetts, at Holtz & Reed,

21 LLP, 225 Friend Street, Boston, Massachusetts,

22 on Wednesday, December 19, 2012, commencing at

23 9:47 a.m. to 3:30 p.m.

24

11:23:06 1 Q. -- in terms of impairing your  
11:23:08 2 employment opportunities?

11:23:09 3 MS. ZUCKER: Other than what she's  
11:23:11 4 already stated?

11:23:12 5 A. Other than everything I said before?

11:23:14 6 Q. Yes.

11:23:14 7 A. I can't think of anything else because  
11:23:16 8 I listed a fair number of things between my last  
11:23:18 9 deposition and today.

11:23:24 10 Q. You mentioned that the way in which  
11:23:28 11 you were treated by the defendants during your  
11:23:30 12 probation while you were at MGH may have also,  
11:23:35 13 you used the word possibly, affected you sitting  
11:23:38 14 for the boards?

11:23:39 15 A. Yes.

11:23:40 16 Q. Do you believe that the defendants  
11:23:43 17 interfered with your ability to sit for the  
11:23:46 18 boards?

11:23:46 19 A. It's possible.

11:23:47 20 Q. Tell me what you believe.

11:23:49 21 A. I think it's possible. That's my  
11:23:51 22 belief.

11:23:51 23 Q. Let me reask.

11:23:52 24 Tell me what facts you are aware of

11:23:54 1 that cause you to believe that it's possible.

11:23:56 2 A. I received a letter from the boards  
11:23:58 3 stating that my boards for July of 2012 have  
11:24:07 4 been deferred based on the peer-review  
11:24:11 5 information received.

11:24:13 6 Q. Okay. Do you know whether that  
11:24:16 7 peer-review information was from any of the  
11:24:19 8 defendants?

11:24:19 9 A. I don't know. It may have been.

11:24:20 10 Q. It's true that you're the one who  
11:24:25 11 identifies peer evaluations for the board,  
11:24:27 12 correct?

11:24:27 13 MS. ZUCKER: Objection.

11:24:28 14 A. No, not necessarily.

11:24:29 15 Q. Isn't that how it worked in your case?

11:24:30 16 A. Not necessarily.

11:24:31 17 Q. Did you not submit to the board a list  
11:24:33 18 of physicians and other healthcare providers  
11:24:36 19 from whom they could solicit evaluations?

11:24:39 20 A. Yes.

11:24:40 21 Q. Yes?

11:24:41 22 A. Yes, but the board has a policy of  
11:24:43 23 contacting all orthopedic surgeons who are board  
11:24:46 24 certified.

11:24:46 1 Q. Well, let's break this down.

11:24:48 2 MS. ZUCKER: Objection. Let her  
11:24:49 3 answer the question.

11:24:50 4 BY MR. HOLTZ:

11:24:52 5 Q. Go ahead.

11:24:52 6 A. The board has a policy of contacting,  
11:24:54 7 and I was told this when I was on probation by  
11:25:00 8 Dr. Caster, and I think I may have mentioned  
11:25:02 9 this in my last deposition, the board has a  
11:25:05 10 policy of notifying all orthopedic surgeons who  
11:25:09 11 are board certified already of the list of  
11:25:12 12 candidates who are about to appear for the  
11:25:14 13 boards the following year; for instance, July of  
11:25:16 14 2012.

11:25:18 15 And they ask for any information that  
11:25:24 16 those board certified orthopedic surgeons can  
11:25:27 17 provide to them with regards to professionalism,  
11:25:30 18 ethical standards, I believe interpersonal  
11:25:33 19 skills but I'm not sure but things of that  
11:25:34 20 nature.

11:25:34 21 Q. Do you know whether the board did that  
11:25:36 22 here or not?

11:25:36 23 A. They do it every year is my  
11:25:38 24 understanding.

11:25:38 1 Q. So in your case, just your case, do  
11:25:40 2 you know whether the board did that?

11:25:43 3 A. It's my understanding that the board  
11:25:45 4 does that every year.

11:25:47 5 And the list of the candidates goes  
11:25:49 6 out and is actually published on the Web site.  
11:25:52 7 And I did get a list, and my name was on that  
11:25:54 8 list.

11:25:54 9 Q. Are you aware of any negative  
11:25:57 10 assessments sent into the board by any of the  
11:26:02 11 defendant physicians?

11:26:03 12 MS. ZUCKER: Objection.

11:26:03 13 A. I am not aware of anything specific,  
11:26:06 14 no.

11:26:08 15 Q. Okay. You did provide a list of  
11:26:12 16 referrals as well, correct?

11:26:14 17 A. The board also asks for a list of  
11:26:18 18 people who work in the community who are  
11:26:21 19 familiar with your work or who are also board  
11:26:25 20 certified orthopedic surgeons.

11:26:26 21 Q. Did you comply with that request?

11:26:27 22 A. Yes, I did.

11:26:28 23 Q. Okay. And you provided those names?

11:26:33 24 A. Yes, I did.

11:26:34 1 Q. Most of them in Maine, correct?

11:26:36 2 A. There were some physicians who I had  
11:26:42 3 provided who I continued to keep a professional  
11:26:45 4 relationship with who were from Boston.

11:26:47 5 Q. Who?

11:26:49 6 A. I believe Dr. Grottkau, Dr. Hornicek  
11:26:58 7 and Dr. Burke.

11:26:59 8 Q. Okay. And aside from those three, the  
11:27:02 9 rest were from Maine, correct?

11:27:04 10 A. I believe so. I don't have the list  
11:27:05 11 in front of me right now.

11:27:06 12 Q. Dr. Shervin, you are aware that only  
11:27:08 13 Dr. Burke submitted an evaluation, the other two  
11:27:12 14 didn't, to the board?

11:27:14 15 A. I'm not aware of that.

11:27:16 16 MS. ZUCKER: Objection.

11:27:17 17 BY MR. HOLTZ:

11:27:17 18 Q. Do you need to take a break? Are you  
11:27:20 19 okay?

11:27:20 20 A. I'm okay.

11:27:21 21 Q. All right.

11:27:22 22 A. Thank you.

11:27:22 23 Q. Now, I've asked you, just to be clear  
11:27:28 24 on what we're talking about, I've asked you to

1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS. )

3  
4 I, Daria L. Romano, RPR, CRR and Notary  
5 Public in and for the Commonwealth of  
6 Massachusetts, do hereby certify that there came  
7 before me on the ^ day of December, 2012, at ^,  
8 the person hereinbefore named was duly sworn by  
9 me and that such deposition is a true record of  
10 the testimony given by the witness.

11 I further certify that I am neither related  
12 to nor employed by any of the parties or counsel  
13 to this action, nor am I financially interested  
14 in the outcome of this action.

15 In witness whereof, I have hereunto set my  
16 hand and seal this 31<sup>st</sup> day of December, 2012.

17  
18 *Daria Romano*  
19

20 Notary Public

21 My Commission Expires

22 March 15, 2013  
23  
24

1	UNITED STATES DISTRICT COURT
2	DISTRICT OF MASSACHUSETTS
3	Civil Action No. 1:10-cv-10601-DJC
4	- - - - -x
5	NINA SHERVIN, M.D.,
6	Plaintiff,
7	v.
8	PARTNERS HEALTHCARE SYSTEM, INC., THE PRESIDENT
9	AND FELLOWS OF HARVARD COLLEGE (THE HARVARD
10	MEDICAL SCHOOL), MASSACHUSETTS GENERAL
11	PHYSICIANS ORGANIZATION, INC., JAMES H. HERNDON,
12	M.D., AND HARRY E. RUBASH, M.D.,
13	Defendants.
14	- - - - -x
15	CONTINUED DEPOSITION OF NINA SHERVIN, M.D.,
16	a witness called by and on behalf of the
17	Defendants, taken pursuant to the Federal Rules
18	of Civil Procedure, before Daria L. Romano, RPR,
19	CRR and Notary Public in and for the
20	Commonwealth of Massachusetts, at Holtz & Reed,
21	LLP, 225 Friend Street, Boston, Massachusetts,
22	on Thursday, February 14, 2013, commencing at
23	9:48 a.m. to 5:01 p.m.
24	

09:56:52	1	you showed up to the operating room at about 4
09:56:54	2	p.m. on Wednesdays after CORE when most
09:56:56	3	residents get to the operating room at least by
09:56:59	4	1 p.m."
09:56:59	5	Have I read all that correctly?
09:57:01	6	MS. ZUCKER: Objection.
09:57:02	7	A. Yes.
09:57:02	8	Q. "As you know CORE, finishes at about
09:57:04	9	noon. You have been reported as not showing up
09:57:07	10	for other OR cases without explanation."
09:57:09	11	Did I read that correctly?
09:57:10	12	A. Yes.
09:57:10	13	Q. "That you are often late most
09:57:12	14	mornings," and I'll stop there.
09:57:13	15	So my question to you is have you ever
09:57:17	16	missed an OR case during your residency?
09:57:21	17	MS. ZUCKER: Objection.
09:57:22	18	A. Have I ever missed an OR case?
09:57:30	19	Q. Yes, that you were scheduled for.
09:57:32	20	A. There may have been an instance where
09:57:35	21	I had to be at a meeting where I had to get
09:57:38	22	coverage for an OR case that I was hoping to
09:57:41	23	attend.
09:57:46	24	Q. Other than an instance where you had a

09:59:58	1	A. Sure.
09:59:58	2	Q. Okay. So have you ever been late to
10:00:01	3	an OR case for which you were scheduled?
10:00:04	4	A. I may have been, yes.
10:00:06	5	Q. Do you know how often that occurred?
10:00:08	6	A. I don't.
10:00:08	7	Q. Do you remember when?
10:00:09	8	A. I remember one instance where I had a
10:00:14	9	patient who was very ill on the floor in the
10:00:16	10	morning who actually went into -- there was a
10:00:22	11	code call, which means like a type of cardiac
10:00:24	12	arrest, and I was caught up with that patient on
10:00:29	13	the floor, and I -- but there may have been
10:00:32	14	other instances like that.
10:00:34	15	Q. How many times do you believe you were
10:00:35	16	late to an OR case for which you were scheduled?
10:00:38	17	A. I don't know.
10:00:39	18	Q. Give me your best estimate sitting
10:00:40	19	here today.
10:00:41	20	A. It wasn't that often.
10:00:42	21	Q. Does that mean less than 10 during
10:00:45	22	your residency?
10:00:47	23	MS. ZUCKER: Objection.
10:00:49	24	A. Residency's long. I can't give you a

10:20:42	1	A. I believe so. I'm not sure if they're
10:20:45	2	mandatory, but we try very hard to get there.
10:20:47	3	Q. Did you ever miss an anatomy course?
10:20:49	4	A. I may have.
10:20:50	5	Q. How many times?
10:20:51	6	A. I can't remember.
10:20:56	7	Q. More than 10?
10:20:57	8	MS. ZUCKER: Objection.
10:20:57	9	A. I can't remember the exact number, but
10:20:58	10	there's times, again, if I were caught up
10:21:01	11	clinically that I couldn't make it to the
10:21:02	12	course.
10:21:02	13	Q. Did you ever miss a lecture by a
10:21:05	14	resident?
10:21:06	15	A. I may have.
10:21:07	16	Q. Did you ever miss lectures by
10:21:10	17	attendings?
10:21:10	18	A. I may have been.
10:21:11	19	Q. Were there visiting attendings who
10:21:13	20	also spoke at lectures?
10:21:15	21	A. Sometimes, I think so, yes.
10:21:18	22	Q. Did you ever miss any of those?
10:21:19	23	A. I tried not to, but I may have, again,
10:21:22	24	if I were caught up clinically.

10:21:23	1	Q. Are those considered grand rounds?
10:21:25	2	A. No.
10:21:26	3	Q. Did you ever miss grand rounds?
10:21:29	4	A. I may have if I were on vacation or if
10:21:34	5	I were, again, caught up clinically.
10:21:36	6	But, again, I wouldn't mostly miss the
10:21:38	7	whole thing, I might be late at them. But,
10:21:41	8	again, if I were -- if I had to be at another
10:21:44	9	hospital -- residency is a very big residency
10:21:47	10	program, so it's multiple hospitals that are
10:21:50	11	spread apart. So if I have to be somewhere
10:21:53	12	clinically and to make sure I was there on time,
10:21:55	13	I may have missed a CORE or a class or a lecture
10:21:59	14	in order to make sure that I perform my clinical
10:22:02	15	duties.
10:22:04	16	Q. So it's true that you were also on
10:22:10	17	occasion late for grand rounds?
10:22:11	18	A. I probably was.
10:22:12	19	Q. And for anatomy courses, various
10:22:15	20	anatomy courses?
10:22:16	21	A. I probably was.
10:22:17	22	Q. And lectures?
10:22:18	23	A. I may have been, yes.
10:22:22	24	Q. Dr. Herndon says in the letter marked

10:22:31	1	Exhibit 23 in the middle of that second
10:22:34	2	paragraph on page one that you missed
10:22:42	3	conferences frequently.
10:22:44	4	<b>A. Where is that?</b>
10:22:47	5	Q. Do you see it here (Indicating)? "You
10:23:05	6	were often late most mornings for a.m. rounds."
10:23:08	7	Do you see that?
10:23:11	8	MS. ZUCKER: Objection.
10:23:12	9	A. Yes.
10:23:12	10	Q. "And that you miss conferences
10:23:14	11	frequently."
10:23:15	12	Do you see that part? Did I read that
10:23:17	13	correctly?
10:23:17	14	<b>A. Yes.</b>
10:23:17	15	Q. Is that true?
10:23:18	16	MS. ZUCKER: Objection.
10:23:19	17	A. Again, this is very vague. I may have
10:23:22	18	missed a conference if I were clinically
10:23:26	19	obligated to be somewhere else or I was sick or
10:23:29	20	I was on vacation.
10:23:30	21	Q. He's alleging something different.
10:23:33	22	He's saying pretty directly that you miss
10:23:36	23	conferences frequently. And my question is is
10:23:39	24	that true?

1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS. )

3

4 I, Daria L. Romano, RPR, CRR and Notary

5 Public in and for the Commonwealth of

6 Massachusetts, do hereby certify that there came

7 before me on the 14th day of February, 2013, at

8 9:49 a.m., the person hereinbefore named was

9 duly sworn by me and that such deposition is a

10 true record of the testimony given by the

11 witness.

12 I further certify that I am neither related

13 to nor employed by any of the parties or counsel

14 to this action, nor am I financially interested

15 in the outcome of this action.

16 In witness whereof, I have hereunto set my

17 hand and seal this day of February, 2013.

18

19

20

*Daria Romano*

21

Notary Public

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My Commission Expires

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March 15, 2013

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Civil Action No. 1:10-cv-10601-DJC

- - - - -x

NINA SHERVIN, M.D.,

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PARTNERS HEALTHCARE SYSTEM, INC., THE PRESIDENT  
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Defendants.

- - - - -x

VOLUME 4

CONTINUED DEPOSITION OF NINA

SHERVIN, M.D., witness called by and on behalf of  
the Defendants, taken pursuant to the Federal  
Rules of Civil Procedure, before Daria L.  
Romano, RPR, CRR and Notary Public in and for  
the Commonwealth of Massachusetts, at Murphy &  
Riley, P.C., 101 Summer Street, Boston,  
Massachusetts, on Tuesday, April 9, 2013,  
commencing at 8:19 a.m. to 3:10 p.m.

09:48:27 1 Q. Where is that?

09:48:28 2 A. At Children's Hospital.

09:48:33 3 Q. And tell me what you remember about  
09:48:36 4 the meeting. Who said what?

09:48:50 5 MS. ZUCKER: Objection.

09:48:59 6 A. So I believe this was a review by  
09:49:08 7 Dr. Kasser of the past few rotations and how he  
09:49:21 8 thought I was doing in the program. So we  
09:49:27 9 talked about the previous rotations, we talked  
09:49:33 10 about how my faculty evaluations were. He  
09:49:46 11 commended me on having good faculty evaluations.

09:49:52 12 We may have talked about the ER hand  
09:49:55 13 case, but I can't remember if it was in that  
09:49:56 14 meeting or another meeting specifically.

09:50:06 15 He brought up concerns for my  
09:50:09 16 relationship with Dr. Herndon being strained or  
09:50:15 17 my relationship with my peers. He brought up  
09:50:17 18 concerns about that possibly affecting boards,  
09:50:22 19 my boards. And I didn't know what he meant by  
09:50:25 20 that.

09:50:30 21 Q. What specifically did he say about how  
09:50:32 22 your relationship with Dr. Herndon could affect  
09:50:35 23 your boards?

09:50:35 24 A. He said that my relationship with

09:50:40 1 Dr. Herndon is strained because of my complaint  
09:50:44 2 and my challenging Dr. Herndon.

09:50:48 3 He told me that --

09:50:51 4 Q. I'm asking about the effect on the  
09:50:53 5 boards, that piece.

09:50:54 6 A. He didn't go into the specific  
09:50:56 7 details, but he said he's concerned about the  
09:50:58 8 boards because your peers, including your fellow  
09:51:03 9 attendings, will be asked about your  
09:51:06 10 professionalism before you sit for the boards.

09:51:11 11 And I didn't know at that point what  
09:51:13 12 it meant. I was just about to sit for my  
09:51:15 13 written boards, so I didn't know what that  
09:51:18 14 specifically meant.

09:51:20 15 Q. As we sit here today, do you have any  
09:51:22 16 evidence that anybody associated with HCORP sent  
09:51:26 17 any adverse information to the board?

09:51:29 18 MS. ZUCKER: Objection.

09:51:30 19 A. I'm sorry?

09:51:32 20 Q. When you're talking about the board,  
09:51:34 21 you're talking about the ABOS?

09:51:35 22 A. American Board of Orthopedic Surgery.

09:51:41 23 Q. As you sit here today, do you have any  
09:51:43 24 evidence that anybody from the program, other

09:51:47 1 residents, Dr. Herndon, Dr. Rubash, anybody  
09:51:51 2 associated with this case has said negative  
09:51:57 3 information to the ABOS about you?

09:52:00 4 MS. ZUCKER: Objection.

09:52:01 5 A. I don't have any evidence, but it's a  
09:52:04 6 possibility.

09:52:04 7 Q. How about general evidence? What  
09:52:06 8 makes it a possibility? What is it that you  
09:52:09 9 have in your mind that makes it a possibility?

09:52:13 10 MS. ZUCKER: Objection.

09:52:14 11 A. I believe I testified to this before,  
09:52:17 12 that the American Board of Orthopedic Surgery  
09:52:19 13 sends a list of the candidates who are planning  
09:52:22 14 to sit for the oral boards of that year to all  
09:52:26 15 members of the American Board of Orthopedic  
09:52:29 16 Surgery, so that's including residents who have  
09:52:32 17 passed in addition to attendings, and they list  
09:52:38 18 persons -- candidates by states, and they ask  
09:52:43 19 for any input that they may receive with regards  
09:52:50 20 to professionalism, et cetera. I don't know the  
09:52:54 21 specific wording of it, but I believe this was  
09:52:58 22 one of those.

09:52:58 23 Q. Why do you think it's a possibility  
09:53:00 24 that somebody from HCORP or Partners or the

09:53:03 1 medical school provided negative information  
09:53:06 2 about you to the ABOS?

09:53:08 3 A. I think it's a possibility because of  
09:53:12 4 the way that I was treated in the program.

09:53:15 5 I believe that when I brought up  
09:53:19 6 gender bias and I challenged Dr. Herndon, I  
09:53:23 7 don't think that made him very happy. I believe  
09:53:26 8 after that I was targeted. I was almost  
09:53:33 9 terminated for a miscommunication issue that  
09:53:37 10 they had brought up, trumped-up charges were  
09:53:41 11 being brought up. When they were looked into  
09:53:45 12 and not found valid, more charges were -- they  
09:53:52 13 looked into anything that I could have done to  
09:54:01 14 justify their actions, including Dr. Herndon and  
09:54:04 15 the executive committee.

09:54:06 16 So I felt like I was being punished,  
09:54:08 17 and I think as a possibility that this may be  
09:54:11 18 another form.

09:54:13 19 Q. Has anyone told you that anybody from  
09:54:17 20 Partners or the hospital or HCORP or the medical  
09:54:20 21 school provided adverse information about you to  
09:54:24 22 the ABOS?

09:54:25 23 A. No.

09:54:26 24 Q. Have you seen any documents of any

09:54:28 1 type, E mails, letters, any type of document  
09:54:33 2 that would suggest that anybody from the  
09:54:37 3 hospital, Partners, HCORP, the medical school  
09:54:40 4 provided adverse information about you to ABOS?

09:54:45 5 A. I know in the application of ABOS I  
09:54:46 6 have to list my residency director or directors,  
09:54:49 7 and I listed Dr. Herndon and Dr. Kasser. I  
09:54:57 8 don't know specifically what was written.

09:55:01 9 Q. And other than what you just testified  
09:55:03 10 to, any other information to make you think that  
09:55:07 11 anybody associated with the residency and the  
09:55:09 12 hospital or Partners or the medical school  
09:55:11 13 provided negative information about you to ABOS?

09:55:14 14 A. When I sat in my meeting back in the  
09:55:19 15 spring of 2007 with Dr. Rubash and I complained  
09:55:24 16 of Dr. Herndon's conduct of me not behaving the  
09:55:30 17 way women behave when he disciplines them, he  
09:55:32 18 told me at the end to not get legal -- to not  
09:55:36 19 pursue a lawsuit, that it would not work to my  
09:55:39 20 favor, and it would not affect my career in a  
09:55:41 21 positive way.

09:55:42 22 So that being said, it's a possibility  
09:55:47 23 to me, I'm not for certain that they did, but I  
09:55:50 24 think it's a possibility.



**[PLAINTIFF'S DEPOSITION TRANSCRIPT, APRIL 23, 2013]**

**[Transcript pending, but will be provided to  
the Court immediately upon receipt.]**